

STATEMENT OF BASIS (AI No. 32756)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0108120 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Associated Terminals of St. Bernard, LLC
Chalmette Slip Dock No. 2
8000 St. Bernard Highway
Arabi, Louisiana 70032

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Michelle Bickham

DATE PREPARED: March 8, 2010

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term

B. LPDES permits – LA0108120

LPDES permit effective date: March 1, 2004

LPDES permit expiration date: February 28, 2009

LPDES permit modification dates: January 7, 2005 (major mod); February 4, 2005 (minor mod)

C. Date Application Received: August 18, 2009; additional information received August 26, 2009

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - dry bulk transfer facility**

Associated Terminals of St. Bernard, LLC, Chalmette Slip Dock No. 2 is an existing dry bulk transfer facility. The facility transfers dry bulk material from barges, ships, railcars, and trucks for import and export. See Attachment 1 for a list of commodities to be handled at the facility.

B. FEE RATE

1. Fee Rating Facility Type: minor

2. Complexity Type: II (BPJ to 0 points)

3. Wastewater Type: II

4. SIC code: 4491

C. LOCATION - 8000 St. Bernard Highway, Arabi, St. Bernard Parish
Latitude 29° 56' 44", Longitude 89° 59' 45"

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3. OUTFALL INFORMATION

Outfall 001

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant with aeration
Location: at the point of discharge from the sewage treatment plant servicing the office building
Flow: 500 gpd
Discharge Route: Chalmette Slip thence to the Mississippi River

Outfall 004

Discharge Type: equipment washwater
Treatment: none
Location: at the point of discharge from the washing activity
Flow: intermittent
Discharge Route: Chalmette Slip thence to the Mississippi River

Outfall 005

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant with aeration
Location: at the point of discharge from the sewage treatment plant servicing the warehouse building
Flow: 500 gpd
Discharge Route: Chalmette Slip thence to the Mississippi River

Outfall 006

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant with aeration
Location: at the point of discharge from the sewage treatment plant servicing the maintenance building
Flow: 1000 gpd
Discharge Route: Chalmette Slip thence to the Mississippi River

****NOTE:** Outfalls 002 and 003 (stormwater outfalls) were removed in the previous permit and addressed with the Stormwater Pollution Prevention Plan.

4. RECEIVING WATERS

STREAM - Chalmette Slip thence to the Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

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5. TMDL STATUS

Subsegment 070301 is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. CHANGES FROM PREVIOUS PERMIT

- The limits for Outfalls 001 and 005 have been updated in accordance with the reissuance of the Class I Sanitary Discharge General Permit and the weekly average limits have been changed to daily max limits.
- Outfall 006 for the discharge of treated sanitary wastewater has been added to the permit.
- The monitoring frequency for Outfall 004 has been increased from 1/quarter to once every two months

7. COMPLIANCE HISTORY/COMMENTS

An inspection was conducted on March 25, 2008. The findings were as follows: (1) No DMR's were submitted for Outfall 004 during 2004 (there was a lab report for the second quarter of 2004 at Analysis laboratories) and the first and second quarters of 2005 and 2006; (2) No DMR's were submitted for the first half of 2005 and 2006 for Outfalls 001 and 005; (3) The DMR for the second half of 2005 was reported incorrectly; (4) The sewage treatment plants are not being operated properly as the fecal coliform limits were exceeded in the second half of 2005 and 2006; (5) Only one sample was collected at Outfall 001 in 2004 and the permit required sampling twice per year; (6) No sample data for Outfalls 001 and 005 were located at either Acculab or Analysis Laboratories for the first half of 2005 and 2006 and the permit requires sampling twice per year; (7) When additional samples are analyzed all results should be included on the DMR's but only one set was included for Outfall 004 when duplicate samples were run; (8) only one annual inspection of the site as required by the Stormwater Pollution Prevention Plan was conducted in 2004; however, the permit requires inspections each year.

As a result of the inspection, a Notice of Deficiency, dated July 22, 2008, was sent to the facility. The facility responded to the Notice of Deficiency on August 18, 2008.

A DMR review was conducted for the last two years. DMR's were submitted in accordance with the existing permit. The excursions were as follows:

Date	Parameter	Outfall	Reported Value	Permit Limits
6/09	Fecal Coliform	001	1000 col	400 col/100mL
6/09	Fecal Coliform	005	452,000 col	400 col/100mL
3/09	TSS	004	196 mg/L	45 mg/L
3/09	pH	004	9.2	6-9 s.u.
9/08	COD	004	312 mg/L	200/300 mg/L
3/08	COD	004	747 mg/L	200/300 mg/L
3/08	TSS	004	82 mg/L	45 mg/L
3/08	Oil & Grease	004	27 mg/L	15 mg/L
3/08	pH	004	9.2	6-9 s.u.
12/07	COD	004	1428 mg/L	200/300 mg/L
12/07	TSS	004	328 mg/L	45 mg/L

This facility will be referred to Enforcement as a result of the above excursions.

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8. EXISTING EFFLUENT LIMITS

Outfalls 001 and 005 – treated sanitary wastewater

Parameter	LPDES	
	Monthly Average	Weekly Average
Flow	Report 1/6 months Est.	Report 1/6 months Est.
BOD ₅	---	45 mg/L 1/6 months Grab
TSS	---	45 mg/L 1/6 months Grab
Fecal Coliform	---	400 col./100mL 1/6 months Grab
pH*	6.0-9.0 s.u. 1/6 months Grab	

Outfall 004 – equipment washwater

Parameter	LPDES	
	Monthly Average	Weekly Average
Flow	Report 1/quarter Est.	Report 1/quarter Est.
TSS	---	45 mg/L 1/quarter Grab
COD	200 mg/L 1/quarter Grab	300 mg/L 1/quarter Grab
Oil & Grease	---	15 mg/L 1/quarter Grab
pH	6.0-9.0 s.u. 1/quarter Grab	
Visible Sheen	---	No Presence 1/day Observation

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9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated January 11, 1010, from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Associated Terminals of St. Bernard, LLC

1. **Outfalls 001, 005, and 006** – treated sanitary wastewater (estimated flow is Outfall 001 – 500 gpd, Outfall 005 – 500 gpd, and Outfall 006 – 1000 gpd)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	---	Report	
BOD ₅	30	45	Similar discharges* (BPJ), LAG530000
TSS	30	45	Similar discharges* (BPJ), LAG530000
Fecal Coliform colonies/100ml	200	400	Similar discharges* (BPJ), LAG530000
pH, s.u.	6.0 (min)	9.0 (max)	Similar discharges* (BPJ), LAG530000

Treatment: sewage treatment plants with aeration

Monitoring Frequency: Semiannually for all parameters at the point of discharge from the various sewage treatment plants prior to mixing with other waters.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other industrial facilities and the Class I Sanitary Discharge General Permit, LAG530000 effective December 1, 2007.

2. **Outfall 004** - equipment washwater (estimated flow is intermittent)

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	
COD	200	300	Similar discharges*, LAG480000 (BPJ)
TSS	---	45	Similar discharges*, LAG480000 (BPJ)
Oil & Grease	---	15	Similar discharges*, LAG480000 (BPJ)
Soaps & Detergents	Inventory Record	---	Similar discharges*, LAG480000 (BPJ)
Oil & Grease, Visual	---	No Presence	Similar discharges*, LAG480000 (BPJ)
pH, s.u.	6.0 (min)	9.0 (max)	Similar discharges*, LAG480000 (BPJ)

Treatment: none

Monitoring Frequency: daily for Oil and Grease, Visual and once every two months for flow, TSS, COD, oil and grease, and pH at the point of discharge from the treatment system prior to mixing with other waters. Soaps and Detergents: document in a quarterly inventory record the quantity and type of any Soap and/or Detergent used during each calendar month. The monitoring frequency is being increased for the outfall because of the numerous excursions.

Limits Justification: Limits and monitoring frequencies are based on current guidance for similar discharges from other facilities and the Light Commercial General Permit, LAG480000 effective August 1, 2001.

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Note: EPA Guidelines for Metal Products & Machinery (40 CFR Part 438) are applicable; however, more stringent state requirements for exterior equipment washwater are being placed in the permit.

* Existing permits for similar outfalls
BPJ Best Professional Judgement
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

An SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, stormwater discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.h, facilities classified as SIC code 4491 are not considered to have stormwater discharges associated with industrial activity unless they have "vehicle maintenance shops, equipment cleaning operations, or airport deicing operations." This facility equipment cleaning operations; therefore, stormwater coverage is required.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance**, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).

LA0108120
A140871

Attachment 1

aggregates
alumina
aluminum
animal feeds
barite
cement
clinker
coal
coke
fertilizers
ferro alloys
grains
grain byproducts
light weight ores
medium weight ores
heavy weight ores
iron & steel scrap
salt
sands
scrap iron
steel scrap substitutes
sugar